THE LAND ACQUISITION (BOMBAY AMENDMENT) ACT, 1945.

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*BOMBAY ACT No. XX OF 1945.[1]

[THE LAND ACQUISITION (BOMBAY AMENDMENT) ACT, 1945.]

[*3rd November 1945.*]

An Act to amend the Land Acquisition Act, 1894,[2] in its application to the Province of Bombay.

I of 1894. WHEREAS it is necessary to amend the Land Acquisition Act, 1894, in its application to the Province of Bombay for the purpose hereinafter appearing;

26 Geo. 5, Ch. 2. AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

Short title. **1.** This Act may be called the Land Acquisition (Bombay Amendment) Act, 1945.

I of 1894. **2.** After Part I of the Land Acquisition Act, 1894, hereinafter called "the said Act", the following Part shall be inserted, namely:— Insertion of new Part I-A in Act I of 1894.

"PART I-A.

Preliminary Survey.

Preliminary survey of lands and powers of officers to carry out survey. 3A. For the purpose of enabling the Provincial Government to determine whether land in any locality is needed or is likely to be needed for any public purpose, it shall be lawful for any officer of the Provincial Government in the Public Works Department, or any other officer either generally or specially authorised by the Provincial Government in this behalf, and for his servants and workmen,—

(*i*) to enter upon and survey and take levels of any land in such locality,

(*ii*) to mark such levels,

(*iii*) to do all other acts necessary to ascertain whether the land is adapted for such purpose, and

(*iv*) where otherwise the survey cannot be completed and the levels taken, to cut down and clear away any part of any standing crop, fence or jungle:

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

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* This Act was repealed and re-enacted by Bom. 10 of 1948, s. 2.

[1] For the Statement, *see Bombay Government Gazette*, 1945, Pt. IV, page 173.

[2] *See* Unrepealed Central Acts, Vol. III, p. 481.

Payment for damage.

3B. The officer of the Provincial Government in the Public Works Department, and any other officer so authorised shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid, and, in case of dispute as to the sufficiency of the amount so paid or tendered, shall at once refer the dispute to the decision of the Collector or other chief revenue-officer of the district, and such decision shall be final."

Amendment of section 45 of Act I of 1894.

3. In section 45 of the said Act, for the word and figure " section 4 " the words, figures and letter " section 3A or 4 " shall be substituted.

Amendment of section 46 of Act I of 1894.

4. In section 46 of the said Act—

(*a*) after the word " by " the word, figure and letter " section 3A " shall be inserted ; and

(*b*) after the words " under section " the figure, letter and words " 3A or section " shall be inserted.